

TMH:th

AO 91 (Rev. 5/85) Criminal Complaint

**United States District Court****STATE AND DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA

v.

**CRIMINAL COMPLAINT****MARTIN FIDENCIO GUTIERREZ-ALACRON**

CASE NUMBER:

12-mj-00275-FLN

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 16, 2012, in Ramsey County, in the

State and District of Minnesota, the defendant did, (Track Statutory Language of Offense)

unlawfully, knowingly and intentionally possess with intent to distribute 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a controlled substance,

in violation of Title 21 United States Code, Sections 841(a)(1) and 841(a)(1)(B).

I further state that I am a Task Force Officer, DEA and that this complaint is based on the following facts:

Official Title

See Attached Affidavit

Continued on the attached sheet and made a part hereof:

☒ Yes☐ No

Signature of Complainant

**Christian G. Freichels**  
Task Force Officer, DEA

Sworn to before me and subscribed in my presence,

Date

5/17/12

at

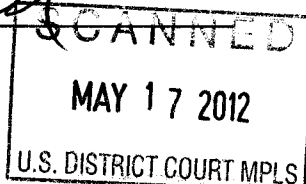
Minneapolis, Minnesota

City and State

Franklin L. Noel, United States Magistrate Judge

Name &amp; Title of Judicial Officer

Signature of Judicial Officer



STATE OF MINNESOTA       )  
                                      ) AFFIDAVIT OF CHRISTIAN G. FREICHEL  
COUNTY OF HENNEPIN       )

I, Christian G. Freichels, being duly sworn, depose and state as follows:

1. I am a Deputy Sheriff with the Ramsey County Sheriff's Department in Saint Paul, Minnesota. I have been a criminal investigator since 1999 and have participated in numerous investigations relating to the distribution of controlled substances. In June 2006, I was assigned to the United States Drug Enforcement Administration ("DEA") in Minneapolis, Minnesota, as a Task Force Officer. I have received specialized training in investigations concerning drug trafficking, money laundering, undercover operations and electronic and physical surveillance.

2. This affidavit is submitted in support of a criminal complaint charging Martin Fidencio Gutierrez-Alacron with possession with intent to distribute 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B).

3. The facts and information contained in this affidavit are based upon my personal knowledge and the investigation and observations of other officers and agents involved in the investigation. All observations referenced below that were not personally made by me were related to me by the persons who made such observations. This affidavit contains information necessary to support probable cause for this application. It is not intended

to include each and every fact and matter observed by me or known to the government.

4. On May 15, 2012, at 11:13 a.m., Jesus Giovanni Guevara-Gaxiola ("Guevara") was pulled over by the Fergus Falls Police for a traffic violation. During the course of the stop, Guevara consented to a search of his vehicle. During the search, officers found approximately \$74,000 in United States currency in a box in the back seat. Later that afternoon, I interviewed Guevara. He stated that he was given the money earlier that day by an unknown person and asked to transport it to Chicago. He said that he was to be paid \$1,000 for the delivery. He said that he had distributed approximately five pounds of methamphetamine in the Twin Cities area during the past week. He said that he lived in an apartment in Saint Paul, Minnesota, and that he currently had approximately two pounds of methamphetamine stored there.

5. At approximately 5:30 p.m., on May 15, 2012, agents executed a federal search warrant at Guevara's apartment in Saint Paul. During the search, agents seized approximately two pounds of suspected methamphetamine, two handguns, two digital scales, drug notes and money transfer receipts. The suspected drugs field-tested positive for the presence of methamphetamine. Upon further questioning, Guevara said that he came to Minnesota from Mexico in February 2012 to distribute methamphetamine. He said that since that time, he has received a 12-pound shipment and two

5-pound shipments of methamphetamine, most of which he distributed to customers in Minnesota.

6. On May, 16, 2012, Guevara was charged in the District of Minnesota with possession with intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine in violation of 21 U.S.C. § 841(a)(1) and 841(b)(1)(A). During processing, Guevara provided additional information concerning his drug trafficking activities. He identified one of his customers as "Martin," believed to be Martin Fidencio Gutierrez-Alacron ("Gutierrez"), and stated that Martin lived at an address in Saint Paul and that he drove a red pickup truck. Guevara said that on May 13, 2012, he supplied Martin with two pounds of methamphetamine at Martin's residence and that, at the time, Martin paid him \$25,000 for a previous drug debt.

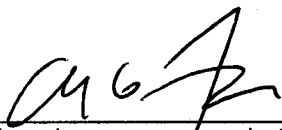
7. On May 16, 2012, agents drove past Martin's address in Saint Paul with Guevara. Guevara stated that the address was Martin's residence. On May 16, 2012, at approximately 3:45 p.m., I saw a red Ford pickup truck parked in the back driveway of this address. I believe Guevara's information to be reliable in that the information he provided was corroborated by police surveillance, GPS tracking information, and the search warrant executed at Guevara's residence.

8. At approximately 9:50 p.m., on May 16, 2012, agents executed a federal search warrant at Gutierrez's residence in Saint

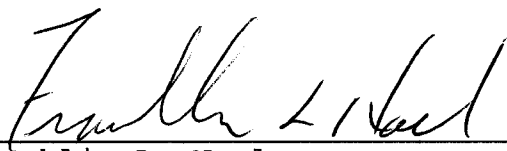
Paul. Prior to the search, Gutierrez was stopped by the police while driving a red Ford pickup truck away from the residence. During the search, agents seized approximately 10 grams of methamphetamine from Gutierrez's bedroom and approximately one pound of methamphetamine from a red cooler in the basement. Agents also seized three sets of digital scales next to the cooler. Based upon my experience and training, I know that digital scales are commonly used by drug dealers for measuring drug amounts. No one else was at the residence at the time of the search. Agents later interviewed Gutierrez who stated that he was a methamphetamine user and that the 10 grams of methamphetamine in his bedroom were his. He denied ownership of the one pound of methamphetamine in the basement and stated that someone had dropped off the cooler at his residence a few days earlier. He said that no one else lived at his residence except for his four-year old child on a part-time basis. The suspected drugs field-tested positive for the presence of methamphetamine.

9. Based on the foregoing, there is probable cause to believe that Martin Fidencio Gutierrez-Alacron unlawfully, knowingly and intentionally possessed with intent to distribute 50 grams or more of a mixture and substance containing a detectable amount of

methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and  
841(a)(1)(B).

  
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Christian G. Freichels  
Task Force Officer, DEA

Sworn and subscribed to before me  
this 17<sup>th</sup> day of May, 2012.

  
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Franklin L. Noel  
United States Magistrate Judge